

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re: Silas Josey,

Case No. 3:13-bk-00452-JAF
Chapter 7

Debtor.
_____ /

**ORDER GRANTING MOTION TO AVOID
SECOND MORTGAGE LIEN OF PNC BANK**

This case came on for consideration upon the debtors' Corrected Verified Motion to Strip Second Mortgage of PNC Bank and to Value 2nd Mortgage (Doc. No. 13). After reviewing the pleadings and considering the position of interested parties, and being that no response or objection has been filed within the allotted time, pursuant to Local Rule 2002-4, it is

ORDERED:

1. The Motion to Avoid Lien is granted.
2. Creditor, PNC Bank, has a second mortgage lien on the debtors' homestead property

located at 17 Waterford Place, Palm Coast, Florida 32164, and more particularly described as:

Lot 9, Block 24, OF PALM COAST, MAP OF WYNNFIELD, SECTION 19, a subdivision according to the plat thereof, recorded in Plat Book 7, Page 26, of the Public Records of Flagler County, Florida.

The lien was dated October 19, 2006, and recorded on November 26, 2006, in O.R. Book 1509, Page 26, of the Public Records of Flagler County, Florida.

3. Creditor, PNC Bank, has not filed a proof of claim in this case as is evidenced by the electronic entries docketed in the claims register in this case, nor has the Creditor responded to the debtors' Corrected Verified Motion to Strip Second Mortgage of PNC Bank. and to Value 2nd Mortgage.

4. The secured mortgage held by PNC Bank, shall be treated as an unsecured claim in this Chapter 7 case.

5. Creditor's Lien is void and automatically extinguished pursuant to 11 USC 506(d) upon entry of an Order of Discharge pursuant to 11 USC 727, 1141, or 1328.

DONE AND ORDERED in Jacksonville, Florida this 17 day of May, 2013.



JERRY A. FUNK
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
CASE NO. 54-7723

I certify the foregoing to be true
and correct copy of the original.
CLERK OF COURT
U. S. BANKRUPTCY COURT
By: Maureen Hodges
Date: May 20, 2013

Attorney, Donald Appignani, shall serve a conformed copy of this order upon all parties in interest and shall file a Certificate of Service of same with the Clerk of the Court.

Copies furnished to:

Donald Appignani, Attorney for the Debtors, 389 Palm Coast Pkwy., S.W., Suite 4, Palm Coast, FL 32137.

Trustee: Valerie Hall Manuel, Bankruptcy Trustee, 450-106 State Road 13 North, Suite 312, Jacksonville, FL 32259

United States Trustee, 135 W. Central Blvd., Suite 620, Orlando, FL 32801